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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 26, 2012

Senate Chamber

President Little called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Nuxoll, Smyser, and Tippetts, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nathan Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 23, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 26, 2012

The JUDICIARY AND RULES Committee reports that [S 1412](#), [S 1413](#), and [S 1414](#) have been correctly printed.

DARRINGTON, Chairman

[S 1412](#), [S 1413](#), and [S 1414](#) were referred to the Finance Committee.

March 23, 2012

The FINANCE Committee reports out [H 684](#), [H 685](#), and [H 686](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 684](#), [H 685](#), and [H 686](#) were filed for second reading.

March 26, 2012

The JUDICIARY AND RULES Committee reports that [S 1256](#), as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

[S 1256](#), as amended in the House, was filed for first reading.

Senator Nuxoll was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 23, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1290](#), [S 1298](#), [S 1299](#), [S 1340](#), and [S 1368](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2012

Dear Mr. President:

I transmit herewith [H 672](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 672](#) was filed for first reading.

March 23, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) and ordered them returned to the House.

March 23, 2012

Dear Mr. President:

I return herewith [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), [SCR 132](#), [SCR 130](#), [SCR 125](#), [SCR 131](#), [SJM 103](#), [SJM 105](#), and [SJM 104](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), [SCR 132](#), [SCR 130](#), [SCR 125](#), [SCR 131](#), [SJM 103](#), [SJM 105](#), and [SJM 104](#) were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2012

Dear Mr. President:

I return herewith Enrolled [S 1271](#), [S 1279](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1370](#), [S 1360](#), [S 1231](#), as amended, [S 1255](#), as amended, as amended, [S 1286](#), [S 1304](#), [S 1313](#), [S 1321](#), as amended, [S 1327](#), [S 1328](#), [S 1329](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1356](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1271](#), [S 1279](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1370](#), [S 1360](#), [S 1231](#), as amended, [S 1255](#), as amended, as amended, [S 1286](#), [S 1304](#), [S 1313](#), [S 1321](#), as amended, [S 1327](#), [S 1328](#), [S 1329](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1356](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 23, 2012

Dear Mr. President:

I return herewith Enrolled [SCR 112](#), [SCR 114](#), [SCR 115](#), [SCR 117](#), [SCR 118](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), [SCR 122](#), [SCR 124](#), [SCR 128](#), and [SCR 129](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 112](#), [SCR 114](#), [SCR 115](#), [SCR 117](#), [SCR 118](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), [SCR 122](#), [SCR 124](#), [SCR 128](#), and [SCR 129](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

Senator Tippets was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Smyser was recorded present at this order of business.

The President announced that [HCR 47](#) was before the Senate for final consideration.

Moved by Senator Winder, seconded by Senator Bock, that [HCR 47](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Winder. Total - 28.

NAYS—Bilyeu, Goedde, LeFavour, Pearce, Schmidt, Vick, Werk. Total - 7.

Total - 35.

Whereupon the President declared [HCR 47](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Allan R. Schneider was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of Allan R. Schneider as a member of the Commission for the Blind & Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1415 **BY FINANCE COMMITTEE** AN ACT

RELATING TO APPROPRIATIONS; AMENDING SECTION 1, CHAPTER 12, LAWS OF 2012, TO REVISE THE APPROPRIATION FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1416 **BY FINANCE COMMITTEE** AN ACT

RELATING TO APPROPRIATIONS; TRANSFERRING MONEYS FROM THE FEDERAL GRANT FUND TO THE RECORDS MANAGEMENT SERVICE FUND WITHIN THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2013; AND REDUCING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2013.

[S 1415](#) and [S 1416](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 672](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[S 1256](#), as amended in the House, by Resources and Environment Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 661](#), [H 624](#), and [H 649](#), by Ways and Means Committee, were read the second time at length and filed for third reading.

[H 372](#) and [H 575](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1409](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1409](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1410](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—Bilyeu, Bock, LeFavour, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared [S 1410](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

The President announced that [HJM 14](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Lodge, seconded by Senator Malepeai, [HJM 14](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Little called President Pro Tempore Hill to the Chair.

[S 1408](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1408](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 588](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Brackett, granted by unanimous consent, [H 588](#) was recommitted to the Education Committee.

President Little returned to the Chair.

[H 631](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 631](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 443](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 443](#) passed, title was approved, and the bill ordered returned to the House.

[H 479](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 479](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 577](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 577](#) passed, title was approved, and the bill ordered returned to the House.

[H 599](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 599](#) passed, title was approved, and the bill ordered returned to the House.

[H 414](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 414](#) passed, title was approved, and the bill ordered returned to the House.

[H 651](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 651](#) passed, title was approved, and the bill ordered returned to the House.

[H 485](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—Corder, Hill, Pearce, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared [H 485](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Seventh Order of Business.

Reports of Special Committees

March 23, 2012

Senator Brent Hill
President Pro Tempore
Idaho State Senate

Dear President Pro Tempore Hill:

On March 16, 2012, you appointed a Committee on Ethics, pursuant to Senate Rule 53, to investigate the allegations of violations of the Senate Rules or applicable law. We respectfully submit the committee report to the Senate.

Senators Malepeai, Bock and Stennett asserted rules violations in an original letter of complaint dated March 15, 2012. Their complaint alleged that Senator Monty Pearce failed to properly disclose possible conflicts of interest as required by Senate Rule 39(H), when the Resources and Environment Committee and Senate considered certain oil and gas administrative rules, draft RS legislation and House bills.

The Committee on Ethics consisted of the following six members, three from each political party: Senator Dean Mortimer as Chairman, Senator Jim Hammond, Senator Bert Brackett, Senator Elliot Werk, Senator Diane Bilyeu, and Senator Dan Schmidt.

Pursuant to Senate Rule 53, I wrote a letter to Senator Monty Pearce to inform him of the complaint and that a Committee on Ethics had been appointed. This letter was dated and hand-delivered on March 16, 2012. Senator Pearce also received a copy of the complaint on March 16, 2012.

The Committee on Ethics met on March 19, 20 and 21, 2012. At the initial committee meeting on March 19, 2012, the committee was briefed by Mr. Brian Kane from the Attorney General's office regarding the applicable Senate Rules and law. The complaint was taken under consideration and the committee asked the complainants in writing on March 19, 2012, to narrow the allegations. The complainants were asked to respond in writing by 8:00 a.m. on March 20, 2012. Senator Pearce was also asked to respond in writing to the committee by 8:00 a.m., March 20, 2012, to the original complaint.

On March 20, 2012, the committee received a revised complaint letter dated March 19, 2012 from the three complainants. They had narrowed the allegations of Senator Pearce's failure to properly disclose to the Resources and Environment Committee and the Senate, with regard to House Bill 464. Senator Bock and Senator Stennett presented specific argument and testimony in the revised complaint to the committee and answered questions from the members. Mr. Kane was asked to advise the committee on the revised complaint and the complainants' testimony. The Committee also received on March 20, 2012, a letter from Mr. Charles F. Peterson, attorney representing Senator Pearce, dated March 20, 2012, in response to the original complaint. Mr. Peterson presented testimony and answered questions from committee members. The committee agreed that more information was needed about existing leases, in order to compare Senator Pearce's leases to others.

On March 21, 2012, Chairman Mortimer invited Senator Bock to address the committee, on behalf of the three complainants. Mr. Peterson, representing Senator Pearce, was then given time to present a letter dated March 21, 2012, to the committee, and he presented testimony and responded to questions. Senator Stennett gave further testimony. The committee examined a sampling of various oil and gas leases provided by Mr. Kane. Mr. Kane advised the committee and answered questions.

After completing its preliminary investigation at its March 21, 2012, meeting, a motion to dismiss the complaint was made by Senator Hammond and seconded by Senator Schmidt. The motion passed unanimously by voice vote. The Committee on Ethics found that probable cause does not exist that a violation had occurred, and that the complaint should be dismissed against Senator Monty Pearce.

Sincerely,
/s/ Dean M. Mortimer, Chairman
Senate Ethics Committee

On request by Senator Davis, granted by unanimous consent, the Committee on Ethics report was ordered spread upon the pages of the Journal.

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12 noon until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Cameron and LeFavour, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 26, 2012

The JUDICIARY AND RULES Committee reports that [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1271](#), [S 1279](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1370](#), [S 1360](#), [S 1231](#), as amended, [S 1255](#), as amended, as amended, [S 1286](#), [S 1304](#), [S 1313](#), [S 1321](#), as amended, [S 1327](#), [S 1328](#), [S 1329](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1356](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) were delivered to the Office of the Governor at 10:45 a.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator LeFavour was recorded present at this order of business.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 112](#), [SCR 114](#), [SCR 115](#), [SCR 117](#), [SCR 118](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), [SCR 122](#), [SCR 124](#), [SCR 128](#), and [SCR 129](#) were delivered to the Office of the Secretary of State at 11:21 a.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2012

The FINANCE Committee reports out [S 1412](#), [S 1413](#), and [S 1414](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1412](#), [S 1413](#), and [S 1414](#) were filed for second reading.

March 26, 2012

The EDUCATION Committee reports out [H 672](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 672](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 426](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 426](#), as amended in the Senate, and ordered it returned to the House.

March 26, 2012

Dear Mr. President:

I return herewith [S 1401](#), [S 1402](#), [S 1383](#), as amended, [S 1404](#), [S 1405](#), and [S 1403](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1401](#), [S 1402](#), [S 1383](#), as amended, [S 1404](#), [S 1405](#), and [S 1403](#) were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2012

Dear Mr. President:

I return herewith Enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, and [S 1330](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, and [S 1330](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 26, 2012

Dear Mr. President:

I return herewith Enrolled [SCR 123](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 123](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 458](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Cameron. Total - 1.

Total - 35.

Whereupon the President declared [H 458](#) passed, title was approved, and the bill ordered returned to the House.

Senator Cameron was recorded present at this order of business.

[H 542](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Brackett, Broadsword, Cameron, Corder, Fulcher, Heider, Johnson, Keough, McKague, McKenzie, Nuxoll, Pearce, Smyser, Tippets, Vick. Total - 15.

NAYS—Andreason, Bair, Bilyeu, Bock, Darrington, Davis, Goedde, Hammond, Hill, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Siddoway, Stennett, Toryanski, Werk, Winder. Total - 20.

Total - 35.

Whereupon the President declared that [H 542](#), as amended, had failed to pass the Senate and ordered the bill returned to the House.

[H 682](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS—Fulcher, McKague, Nuxoll, Vick. Total - 4.

Absent and excused—LeFavour, Pearce. Total - 2.

Total - 35.

Whereupon the President declared [H 682](#) passed, title was approved, and the bill ordered returned to the House.

[H 668](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKenzie, Mortimer, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—McKague, Nuxoll. Total - 2.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 668](#) passed, title was approved, and the bill ordered returned to the House.

[H 669](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—McKague. Total - 1.

Absent and excused—Rice, Smyser. Total - 2.

Total - 35.

Whereupon the President declared [H 669](#) passed, title was approved, and the bill ordered returned to the House.

[H 674](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Nuxoll. Total - 1.

Total - 35.

Whereupon the President declared [H 674](#) passed, title was approved, and the bill ordered returned to the House.

[H 675](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared [H 675](#) passed, title was approved, and the bill ordered returned to the House.

[H 676](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 676](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:10 p.m. until the hour of 9 a.m., Tuesday, March 27, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary